

Local Law 1 of the year 2010

Unsafe Buildings Law of the Town of Denning

Be it enacted by the Town Board of Denning as follows:

101. TITLE

This local law shall be known and cited as the "Unsafe Buildings Law of the Town of Denning", replacing Local Law #1 of 1997 Titled Unsafe Buildings Law.

102. PURPOSE

The purpose of this chapter is to provide for the removal or repair of buildings and/or structures that, from any cause, may now be or shall hereafter become dangerous or unsafe to the public as may be provided by the town law.

103. INSPECTION BY ENFORCEMENT OFFICER

Report, when in the opinion of the code enforcement officer, as may be designated by the Town Board, any building or structure located in the town shall be deemed to be dangerous or unsafe to the public, the enforcement officer shall make a formal inspection thereof and report in writing to the Town Board his findings and recommendations in regard to the building's or structure's removal or repair.

104. SERVICE OF NOTICE

- A. The Town Board shall thereafter consider said report and, if it finds from said report that there is ground to believe that such, building or buildings are dangerous or unsafe to the public, the Town Board by resolution, shall order its removal or repair if the same can be safely repaired and further order that a notice shall be personally served upon the owner or someone of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the premises, as shown by the records of the receiver of taxes and/or in the records of the Ulster County Clerk's office.
- B. If no such person can be reasonably found, then notice shall be served by mailing a copy of such notice to such person or corporation by registered mail, addressed to his last known address, and by securely posting a copy of such notice upon said premises.

105. CONTENTS OF NOTICE

Said notice shall contain the following statements:

- A. A description of the premises by Address and Tax Map #.
- B. A statement of the particulars in which the building or structure is unsafe or dangerous.
- C. An order requiring the same to be made safe and secure or removed.
- D. That the securing or removal of the said building or structure shall commence within thirty (30) days of the service of the notice and shall be completed within, sixty (60) days thereafter.
- E. Notice of the date, time and place for a hearing to be held before the Town Board.
- F. That the land on which said building or structures are located will be assessed for all costs and expense incurred by the town in connection with the proceedings to remove or secure, including the cost of actually removing Said building or structure; or, in the alternative, that the Town Board shall commence a special proceeding in a court of competent jurisdiction to collect the costs of demolition, including reasonable and necessary legal expenses incidental to obtaining an order to demolish.

106. COPY TO BE FILED WITH COUNTY CLERK

A copy of such notice shall be filed in the office of the Ulster County Clerk, which notice shall be filed by such Clerk in the same manner as a notice of pendency, pursuant to Article 65 of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise herein provided. A notice so filed shall be effective for a period of one (1) year from the date of filing; provided, however that it may be vacated upon the order of a Judge or Justice of a court of record or upon the consent of the Town's attorney. The County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.

107. HEARING; FAILURE TO COMPLY

- A. A hearing shall be held before the Town Board in accordance with the notice to repair or demolish, served upon the owner and such persons having an interest in the property as herein above prescribed.
- B. In the event that the owner fails or refuses to repair or remove such building or structure within the time provided, the Town may remove said building or structure.

108. COLLECTION OF COSTS INCURRED

All costs and expense incurred by the town in connection with the proceedings to remove or secure such building or buildings, including the actual cost of repairing or removal, shall be assessed upon the land upon, which said building or buildings are located. Such assessment shall be assessed on the next town assessment roll as an additional tax to the regular tax assessment against such property and the same shall be levied and collected in the same manner as the regular town tax. In the alternative, the Town Board may commence a special proceeding in a court of competent jurisdiction to collect the costs of demolition, including reasonable and necessary legal expenses incidental to obtaining an order to demolish, from the owner of any building or structure that may now be or shall hereafter become dangerous or unsafe to the public. The provisions of Article 4 of the Civil Practice Law and Rules shall govern any special proceeding commenced under this section.

109. SAVINGS CLAUSE

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree, or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment decree or order shall have been rendered and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.

110. REMEDIES

Any person, having been served, either personally or by registered or certified mail, with an order to remedy any condition found to exist in, on, or about any building in violation of the Fire Code and Property Maintenance Code of 2010, who shall fail to comply with such order within the time fixed by the regulations promulgated. such time period to be stated in the order, and any owner, tenant, maintenance, or fire protection equipment and systems, shall be punishable by a fine of not more than one thousand dollars per day of violation, or imprisonment not exceeding one year, or both.

111. EFFECTIVE DATE

This local law shall take effect on the 1st. day of the month following its adoption by the Town Board after the filing of such local law with the Secretary of State.

Dated: December 7, 2010